

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

04 CV 30077-KPN

CIVIL ACTION NO. 2004-00084

MA Superior Court

Docket No BECV2004-00095-A

MICHAEL A. DEEP,

Plaintiff,

v.

CITY OF NORTH ADAMS; JOHN BARRETT,
MAYOR; NORTH ADAMS PLANNING
BOARD; MICHAEL LEARY,
PAUL HOPKINS, WILLIAM SCHRADE,
JOSEPH GNIADEK, PAUL SENEAL,
DAVID BABCOCK, EDNA RUDNICK,
KYLE HANLON and WAYNE WILKINSON as
Members of the NORTH ADAMS PLANNING
BOARD, and KATHERINE EADE, ADMINISTRATIVE
OFFICER of the CITY OF NORTH ADAMS.

Defendants.

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
MAY 4 2004
10:12

OPPOSITION TO NOTICE
OF REMOVAL

Now comes the Plaintiff in the above-entitled matter and respectfully requests that this
Court deny removal in this matter. In support hereof the Plaintiff says as follows:

1. The Massachusetts Rules of Civil Procedure permit, as a matter of right, amendment of pleadings prior to the filing of a responsive pleading.
2. No "responsive" pleading has been filed in this matter.

3. The Plaintiff attaches his Amended Complaint, filed with the Superior Court Department of the Trial Court of The Commonwealth of Massachusetts contemporaneously herewith.

Wherefore, this matter should remain on the docket of the courts of the Commonwealth, and removal should be denied.

Respectfully Submitted,

PLAINTIFF, Michael A. Deep

By: Fred T. Thompson
Fred T. Thompson, Esq.
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413-664-9002
BBO # 496680

CERTIFICATE OF SERVICE

I, Fred T. Thompson, Esq., hereby certify that on this 3rd day of May, 2004, I served a copy of the above upon the parties in the action by mailing postage prepaid, to counsel, Nancy Frankel Pelletier, Esq., of Robinson, Donovan, P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115.

Subscribed under the penalties of perjury.

Fred T. Thompson
Fred T. Thompson, Esq.